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Notice of Allowability	Application No.	Applicant(s)	
	10/689,228	GERARD, PHILIP O.	
	Examiner	Art Unit	
	Jason R. Bellinger	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after-final amendment filed 20 April 2005.
2. ☒ The allowed claim(s) is/are 2-23, 25 and 27.
3. ☒ The drawings filed on 20 April 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u> . |

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment, which places this application in condition for allowance. During a telephone conversation conducted on 21 June 2005, Mr. Brian Ainsworth requested an extension of time for 2 MONTH(S) and authorized the Director to charge Deposit Account No. 16-2463 the required fee of \$420 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows (see attached supplemental amendment for complete listing of the claims):

Claim 1 is cancelled

Claim 2 now reads: A composite wheel, comprising:

a wheel having an outer surface and a centrally located hub aperture extending through the wheel; and

a wheel cap having a body portion and a plurality of flexibly resilient fingers extending substantially orthogonal to the body portion, each finger having a pair of side walls and an integrally formed outer wall, the outer wall including a centrally located portion and rounded abutment portions located proximate the side walls and laterally from the centrally-located portion, wherein the fingers abut the hub aperture when the

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wheel cap is assembled with the wheel, and wherein the centrally located portion of each finger includes a first radius of curvature, and wherein the abutment portion of each finger includes second radius of curvature different than the first radius of curvature.

Claim 22 is amended so that the phrase --and laterally from the centrally-located portion-- is inserted after the phrase "proximate the side walls" in line 9 of the claim.

Claim 24 is cancelled

Claim 25 now reads: A composite wheel, comprising:

a wheel having an outer surface and a circumferentially extending wall;

and

a wheel cap having a body portion and a plurality of flexibly resilient fingers extending substantially orthogonal to the body portion and abutting the circumferentially extending wall of the wheel, each finger having a pair of side walls, an integrally formed outer wall, and rounded abutment portions located laterally from the outer wall and extending between and longitudinally along the side walls and the outer wall, wherein the body portion includes a first radius of curvature, and wherein the abutment portions include a second radius of curvature that is different than the first radius of curvature.

Claim 26 is cancelled

Claim 27 now reads: A wheel center cap for a vehicle wheel, comprising:

a substantially planar body portion; and

a plurality of flexible resilient fingers extending substantially orthogonal to the body portion and adapted to abut a circumferentially extending wall of a wheel, each

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finger having a pair of side walls and an integrally formed outer wall, and rounded abutment portions located laterally from the outer wall and between and extending longitudinally along the side walls and the outer wall, wherein the outer wall includes a first radius of curvature and the abutment portions include a second radius of curvature that is different than the first radius of curvature.

Drawings

3. The drawings were received on 20 April 2005. These drawings are approved.

Allowable Subject Matter

4. Claims 2-23, 25, and 27 are allowed.
5. The following is an examiner's statement of reasons for allowance: The prior art does not teach or suggest a wheel center cap having flexible resilient fingers that include a rounded abutment portion located laterally from an outer wall and between and longitudinally along the side walls and outer wall, with the rounded abutment portions have a radius of curvature that is different than the radius of curvature of the outer wall.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 703-308-6298. The examiner can normally be reached on Mon - Thurs (9:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason R Bellinger
Examiner
Art Unit 3617


jrb
RUSSELL D. STORMER
PRIMARY EXAMINER 24/05